

Extract (calculated) (grams per 100 cc).....	17.46
Total acid as tartaric (grams per 100 cc).....	0.306
Sucrose (per cent).....	0.65
Polarization (°V.):	
Direct, 20° C.....	—26.58
Invert, 20° C.....	—29.90
Invert, 87° C.....	— 5.90
Ash (grams per 100 cc).....	0.17
Soluble ash (grams per 100 cc).....	0.051
Insoluble ash (grams per 100 cc).....	0.12
Alkalinity of soluble ash (cc N/10 HCl per 100 cc).....	7.28
Alkalinity of insoluble ash (cc N/10 HCl per 100 cc).....	8.10
Potassium sulphate (grams per 100 cc).....	0.045
Color: No coal-tar dye.	
Oil of wormwood: None found.	
Total tartaric acid (grams per 100 cc).....	0.081

The sample is represented to be a wine vermouth, when, as a matter of fact, it contains practically no wine, but a dilute solution of alcohol has been substituted in part therefor.

Adulteration of the product was alleged in the information for the reason that there was substituted in part for the genuine article, vino vermouth, another article, to wit, dilute alcohol. Misbranding was alleged for the reason that the label of the product bore statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading in that they would indicate that the article was a foreign product, to wit, a product of Italy, when it was not so, but was a product of the United States, and in that it purported to be a foreign product, to wit, a product of Italy, when it was not so, but was a product of the United States. Misbranding was alleged for the further reason that the product was branded and labeled, as aforesaid, so as to deceive and mislead the purchaser thereof, in that said label would indicate that the article was a true vino vermouth, whereas, in truth and in fact, it was not a vino vermouth, but was a product containing practically no wine but a dilute solution of alcohol substituted therefor.

On November 5, 1913, the defendant entered a plea of guilty to the information and the court imposed a fine of \$75.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*

2984. Adulteration and misbranding of tomato paste. Adulteration and misbranding of peeled tomatoes. U. S. v. 50 Cases Peeled Tomatoes No. 3 Cans; U. S. v. 50 Cases Peeled Tomatoes No. 2 Cans; U. S. v. 50 Cases Tomato Paste. Consent decree of condemnation, forfeiture, and destruction as to the tomato paste. Order of court releasing the peeled tomatoes on bond. (F. & D. No. 4847. S. No. 1596.)

On November 29, 1912, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 50 cases of tomato paste, 50 cases No. 2 cans peeled tomatoes, and 50 cases No. 3 cans peeled tomatoes, remaining unsold in the original unbroken packages and in possession of Sutherland & McMilland, Pittston, Pa., alleging that the product had been shipped on or about November 7, 1912, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The tomato paste was labeled: "Salsi Di Pomidori—This product contains absolutely no preservatives of any kind. Tomato sauce. Cipolla Brand. Packed in Sanitary

Cans, no acid or solder used. Trade Mark P. V. Co. The Italian Importing Co. New York Sole Distributors." In addition, the labels on the cans bore pictorial representations of foreign scenes, together with lithographic representation of a variety of tomatoes grown in Italy. Cans were also impressed upon top with the word "Vesuvian." Adulteration of this product was alleged in the libel for the reason that it was labeled as aforesaid, thereby indicating, declaring, and publishing, and intending thereby to indicate, publish, and declare, that the contents of each can was tomato paste containing no preservatives of any kind, packed in sanitary cans, no acid or solder used, and that it was wholesome unadulterated food, whereas, in truth and in fact, the contents consisted wholly or in part of filthy, putrid, and decomposed vegetable substance. It was also alleged in the libel that the labels upon the packages or cans leading the public to believe that the contents were of foreign origin were misleading and false for the reason that they were not of foreign origin but were, in fact, packed in the State of New Jersey and thereby intended to mislead and deceive the purchaser and was a misbranding within the meaning of the Pure Food and Drugs Act of the United States.

The No. 2 and No. 3 cans of peeled tomatoes were labeled: "Pomodori Pelati—This product contains absolutely no preservatives of any kind. Peeled-tomatoes—Cipolla Brand. Packed in Sanitary cans. No acid or solder used. Trade Mark P. V. Co.—The Italian Importing Co. New York Sole Distributors." In addition, the labels bore pictorial representations of foreign scenes, together with lithographic representation of a variety of tomatoes grown in Italy. Cans were also impressed upon the top with the word "Vesuvian," thereby indicating, declaring, and publishing, and intending thereby to indicate, publish, and declare, that the contents of each can were peeled tomatoes containing no preservative of any kind, packed in sanitary cans, no acid or solder used, and that it was wholesome unadulterated food, whereas, in truth and in fact, the contents consisted wholly or in part of filthy, putrid, and decomposed vegetable substance. It was also alleged that the labels upon the packages or cans leading the public to believe that the contents were of foreign origin were false and misleading, for the reason that they were not of foreign origin, but were in fact packed in the State of New Jersey and thereby intended to mislead and deceive the purchaser and was a misbranding within the meaning of the Pure Food and Drugs Act of the United States.

On March 10, 1913, the Vesuvian Preserving Co., Vineland, N. J., filed its answer, claiming the goods. On September 6, 1913, said claimant filed its petition for leave to change the labels on the peeled tomatoes and to have the product released to it upon bond, setting up in said petition that the peeled tomatoes so packed and canned by it were fresh, sweet, and wholesome goods, but that the label on the cans did not contain a statement of the place where goods were packed. On the same day said claimant filed a petition setting up that it had been agreed between the counsel for the parties to the case that if the tomato paste was unwholesome and unfit for human consumption it had become spoiled since packing and might be destroyed by the proper Federal officials. Thereupon, upon consideration of the foregoing petitions and agreement of counsel, it was ordered by the court that, upon filing of bond by said claimant in the sum of \$100, conditioned that said claimant would change the labels on the cans of peeled tomatoes by adding thereto "Packed in Vineland, N. J., U. S. A.," and would not dispose of or sell the same without so doing, said cans of peeled tomatoes be released and returned to said claimant, who should pay the costs of suit. It was also ordered and decreed by the court that the 50 cases of tomato paste should be destroyed by the proper Federal authorities in accordance with the foregoing petition.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 30, 1914.*